



## **CITY OF HAYWARD**

### **AGENDA REPORT**

AGENDA DATE 11/16/04

AGENDA ITEM 3

WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Site Plan Review PL-2004-0489 – Swearingen Systems, Inc. (Applicant), Southland Mall, LLP (Owner) – Request to Install a Solar Port in the South Parking Lot at Southland Mall

#### **RECOMMENDATION:**

It is recommended that the City Council adopt the attached resolution approving the Site Plan Review application subject to the conditions of approval recommended by staff.

#### **DISCUSSION:**

This item appears on the agenda as a result of being called up by Council Member Barbara Halliday.

The project would be located in the southerly parking lot of Southland Mall off La Playa Drive opposite Calaroga Avenue; it would span the distance generally between Olive Garden Italian Restaurant and Firestone Tire & Service Center. The project would consist of parallel metal carports installed over 43 rows of parking spaces (approximately 863 spaces); the drive aisles would remain uncovered (see Exhibit A). The carports would have 10 feet of headroom with an overall height of 12 feet. The design of the carports would be simple and contemporary, with clean lines, to not clash with the design of the Mall (see Exhibit B). The roofs of the carports would be formed by solar panels.

The solar panels would be mounted on the carports at a 14-degree angle. The southerly direction and angle of the panels would provide for optimum sun capture. The low angle would limit the view of the panels. Furthermore, each carport would be surrounded by a 12-inch valance, hiding all but the upper 6 inches of the solar panels (see Exhibit C). From most ground locations, the panels would not be visible. The panels would not provide a solid cover; there is a 3.25-foot gap between each panel that would be open to the sky. This gap is important so that one panel does not shield another from the sun. Additionally, a solid roof would require the installation of fire sprinklers.

The project's solar panels would provide 1 megawatt of power (an equivalent of the need of 500 homes) to Southland Mall, which is 50-60 percent of the Mall's electric need. Power produced by the panels would be fed into the Mall's electric system; when there is a surplus, the excess power would be returned to PG&E's power grid for use by the community.

A condition of approval (COA 12. a.) requires landscape "islands" at the southerly end of each row of parking spaces; these landscape areas would consist of planters surrounded by concrete curbs. Landscape islands at the ends of rows of parking are required by the Zoning Ordinance and the Off-Street Parking Regulations, which also indicate that the parking be screened with continuous 30-inch high shrubs. Staff had recommended that these islands be planted with shrubs to a height of 3 feet to soften the visual impact of the carport ends as viewed from the street; trees would not be recommended in these islands as they would shade the solar panels. The applicant had argued that the 3-foot height would cause security concerns as criminals could hide behind the shrubs. However, the Planning Commission approved the project with the requirement for 3-foot-high shrubs in these planters.

Other conditions of approval (COA 12. c and 12. d) require additional plantings along the entire east-west length of La Playa Drive between Hesperian Boulevard and the Nimitz Freeway; such plan would include shrubs and new street trees to fill in gaps in the planting within this area and to replace low-growing plants or plants on poor health. Presently, the street trees are not continuous, and the other plantings do not present a consistent design theme. Again, staff had recommended that shrubs in this area be 3 feet high at maturity to mitigate the visual impact of the solar-ports in a large setting. In this instance, Planning Commissioners expressed a concern regarding potential impairment of motorists' visibility at the entrances to the parking lot from La Playa Drive. In approving the project (6-0), the condition requiring 3-foot-high shrubs was modified to require only 1-foot-high shrubs.

Staff believes that shrubs with a mature height of 3 feet should be provided in both the landscape "islands" and the parkway strip. The carport structures are understandably utilitarian in design, and staff supported approval of this clean energy project on the basis that the landscaping at both locations would soften the visual impact of the carports. These landscape areas are required by the City's design guidelines throughout Hayward to create attractive shopping environments and to protect surrounding neighborhoods by screening parking lots from their view.


Presently, shoppers and employees of the center have an unobstructed view of the parking area between La Playa Drive and the Southland Mall shopping area. With the introduction of solar-ports, the Southgate Area Homeowners Association (HOA) Board stressed the need for additional security measures in the form of lighting (minimum 2 candlepower), video surveillance and emergency call buttons. (See letter from the HOA attached as Exhibit H.) Accordingly, staff recommended a condition of approval (COA #11) requiring parking lot lighting at 1 candlepower (consistent with the City Security Ordinance), and a condition of approval (COA #6) requiring security cameras and emergency call buttons. The applicant contended that emergency call buttons would be redundant given the additional lighting and video cameras and asked for elimination of this requirement. The Planning Commission modified COA #6 by retaining the lighting requirement of 1 candlepower but eliminating the emergency call buttons. Their discussion regarding security included the observation that some of the area devoted to the solar-ports is located more toward La Playa Drive, where few people park, than the shops and that many individuals carry cell phones that could serve the same purpose as the call buttons.

The City Council Commercial Center Improvement Committee reviewed this project on June 28, 2004. While the Committee members expressed support for the concept, they also had concerns regarding overall aesthetics and the need for additional street trees along La Playa Drive. The conditions of approval requiring colors and materials are consistent with the Mall buildings, and the addition of the trees and shrubs, would address those concerns. Processing of this application following the Committee meeting was delayed to allow the applicant to submit revised plans and to meet with the Southgate Area (HOA).

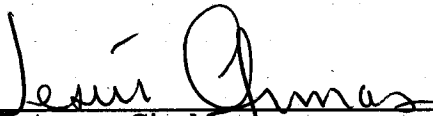
Prepared by:

  
\_\_\_\_\_  
Richard E. Patenaude, AICP  
Principal Planner

Recommended by:

  
\_\_\_\_\_  
Sylvia Ehrenthal  
Director of Community and Economic Development

Approved by:

  
\_\_\_\_\_  
Jesus Armas, City Manager

Attachments:	Exhibit A.	Site Plan
	Exhibit B.	Renderings
	Exhibit C.	Cross-Sections
	Exhibit D.	Findings of Approval
	Exhibit E.	Conditions for Approval
	Exhibit F.	Draft Planning Commission Meeting Minutes, dated October 21, 2004
	Exhibit G.	Planning Commission Staff Report, dated October 21, 2004
	Exhibit H.	Letter from Southgate Area HOA Board Draft Resolution

11/5/04

DUE TO THE LENGTH OR COLOR OF  
THE REFERENCED EXHIBITS, THEY  
HAVE BEEN ATTACHED AS SEPARATE  
LINKS.

**FINDINGS FOR APPROVAL**  
**PL 2004-0489 SPR**  
**1 Southland Drive**  
**Tom Young for Swearingen Systems, Inc. (Applicant) /**  
**Southland Mall LLP (Owner)**

Based on the staff report and the public hearing record:

1. No significant or potentially significant impacts are expected as a result of the project and the project is considered a Class 32 Categorical Exemption (infill development), per the California Environmental Quality Act;
2. The development is compatible with the adjacent Southland Mall buildings in that the proposed height, bulk and scale are appropriate and provide a transition from the street and the taller Mall buildings. Also, the design, color and materials will be consistent with those of the Mall buildings;
3. The development and recommended conditions of approval take into consideration physical and environmental constraints, taking advantage of the existing parking and circulation patterns;
4. The development complies with the intent of City development policies and regulations for the Central Business District and the General Plan, providing customer amenities and a clean energy source for Southland Mall and the community; and
5. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that the proposed use is similar to, and compatible with, other development in the area.

**CONDITIONS OF APPROVAL**  
**PL 2004-0489 SPR**  
**1 Southland Drive**  
**Tom Young for Swearingen Systems, Inc. (Applicant) /**  
**Southland Mall LLP (Owner)**

**Planning Division**

1. PL 2004-0489 SPR to accommodate a solarport at Southland Mall shall be constructed according to these conditions of approval and the plans approved by the Planning Commission on October 7, 2004.
2. This approval is void one year after the effective date of approval unless prior to that time an extension is approved. Any modification to this permit shall require review and approval by the Planning Director. A request for a one-year extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division by September 7, 2005.
3. If a building permit is issued for construction of improvements authorized by the site plan review approval, the site plan review approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review approval.
4. Unless otherwise required, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director prior to final inspection and occupancy of any structures.
5. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
6. Tenant management shall take reasonable necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises to the degree that surrounding commercial uses would not be bothered and that loitering is not permitted and to assure the safety of the customers. Measures to do so shall include the provision of security cameras and emergency call boxes within the carports; coverage shall be as recommended by the Police Department.
7. The applicant, owner(s) and/or tenants shall maintain in good repair all structures (including dents and chipped paint from auto-related damage), lighting, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.
8. Should the carport structures fall into disrepair and/or the solar arrays no longer be effective for generating electricity, as determined by the Planning Director, all structures shall be removed and the parking lot surface repaired to the satisfaction of the City Engineer.

9. Violation of these conditions is cause for revocation of permit, after a public hearing before the duly authorized review body.

### Design

10. Color consistency of all structural elements shall be consistent with the colors of Southland Mall to the satisfaction of the Planning Director. A darker color shall be used on the columns with a lighter color used on the fascias. The fascias shall contain a 3-dimensional relief pattern consistent with features on the Mall buildings.
11. Lighting fixtures shall be maintained that are adequate for the illumination and protection of the premises. The fixtures shall be decorative and shall be mounted such that they do not extend below the lower level of the valance, subject to approval by the Planning Director. Within the parking lot, the minimum requirement is 1-foot candle of light across the entire surface. The lighting, and the related photometric, plan shall be reviewed and approved by the Planning Director.

### Landscaping

12. The applicant shall submit detailed landscaping and irrigation plans prepared by a licensed landscape architect for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance and the following requirements:
  - a. The southerly ends of the parking rows shall be capped by landscaped islands. Shrubs, which shall have a mature height of 3 feet, shall be planted in the islands.
  - b. Where any landscaped area adjoins driveways or parking area pavement, Class B Portland Cement concrete curbs shall be constructed to a height of six inches above the adjacent finished pavement.
  - c. One 24" box street tree is required for every 20-40 lineal feet of frontage along La Playa Drive between Hesperian Boulevard and I-880. Trees shall be planted to fill vacancies in the street tree pattern and to replace any dead or dying trees. Spacing is dependent on the species. Trees shall be planted according to City Standard Detail 122. Street trees shall be planted away from sanitary sewer lines.
  - d. Screen landscaping shall be installed along the La Playa frontage, which shall have a mature height of 3 feet.
13. Landscaping shall be installed and a Certificate of Substantial Completion and an Irrigation Schedule shall be submitted prior to issuance of a Certificate of Occupancy.
14. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

### **Parking/Driveways**

15. All parking stalls and maneuvering areas shall meet the minimum standards of the City Parking Ordinance. The applicant shall be responsible to repair and resurface any pavement area's damaged during construction and to replace parking stall and traffic control striping damaged, to the satisfaction of the City Engineer. Aisles, approach lanes, drive-through lanes and maneuvering areas shall be marked and maintained with directional arrows and striping to control traffic flow during construction. All temporary markings shall be completely removed at the completion of the project.
16. The new island area shall be either signed or posted as No Parking, Fire Lane, or the curbs painted red.

### **Engineering/Transportation Division**

17. A soils report shall be submitted for review and approval of the Building Department and City Engineer prior to the issuance of a building permit.
18. The applicant shall pay the appropriate Supplemental Building Construction & Improvement Tax prior to receipt of a certificate of occupancy.
19. The civil site plan shall show existing on-site drainage systems, including catch basins, and shall be reviewed and approved by the City and Alameda County Flood Control prior to the issuance of the building permit.
20. The civil site plan shall also show water and sanitary sewer lines through the site to ensure that the project and existing facilities are not in conflict. Details shall be provided of any new crossings. The civil site plan and any details shall be reviewed and approved by the City Engineer prior to the issuance of any permits. An encroachment permit may be necessary for the construction of any facilities that cross City facilities.



Valley because it is more convenient. Potential city revenues are being lost to other areas. If Mission Boulevard is widened, most of the animal hospitals in Hayward would be lost. She urged support for the text amendment.

In response to Chair Sacks' inquiry if Ms. Bennett knew of any other city that allows animal hospitals in the central city commercial area, Ms. Bennett stated that there is one in a shopping center in Union City, which is located about 3 blocks from their city hall.

Chair Sacks closed the public hearing at 7:42 p.m.

Commissioner Bogue stated that it was not appropriate to have this use in this area. The Commission recently approved an animal hospital on Foothill. He moved, seconded by Commissioner Zermefio, per staff recommendation to deny the text amendment.

Commissioners Thnay and McKillop stated they concurred with Commissioner Bogue and would support the motion.

Commissioner Bogue moved, seconded by Commissioner Zermefio, and unanimously carried, that the Planning Commission finds that the text amendment is statutorily exempt from the California Environmental Quality Act (CEQA) guidelines; and denies the proposed text amendment, subject to the staff report.

2. **Site Plan Review Application No. PL-2004-0489 – Installation of SolarPort at Southland Mall – Tom Young for Swearingen Systems Inc. (Applicant) / Southland Mall LLP (Owner) - The Project is Located on La Playa Drive Opposite Calaroga Avenue**

Staff report submitted by Principal Planner Patenaude, dated October 21, 2004, was filed.

Due to the proximity of his residence to the proposed project Commissioner Bogue recused himself regarding the matter and he left the room.

Associate Planner Pearson presented the staff report. He responded to questions from Commissioners.

Chair Sacks opened the public hearing at 7:51 p.m.

Tom Young, the applicant, thanked staff for their work over the last several months. He highlighted some of the details of the project and stated that there have been discussions with mall staff who have expressed concern about the three-foot height of the proposed shrubbery, as someone hiding in the shrubbery would not be easily seen. He asked that the Commission consider a lower height requirement. He further asked that the call boxes be eliminated as there will be camera surveillance, which is sufficient for this area as shoppers do not usually park in this section due to the proximity of the stores. He responded to questions from the Commissioners.



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, October 21, 2004, 7:30 p.m.  
777 B Street, Hayward, CA 94541**

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Commissioner McKillop stated that she agreed that the call boxes might be unnecessary as that part of the parking lot is usually empty, except for holiday shopping. She felt that the shrubbery height at 3 feet at maturity was too high for security reasons.

Commissioner Zermefio commented that he has been trying to get Chabot College to install a solar system and that he thought this was a wonderful idea. In response to his question regarding the location of the system in the parking lot instead of the roof of the building, Mr. Young noted that the roof had been their first choice. However, due to the age of the roof and possible earthquakes, the engineers said it could not be done.

Deanna Bogue lives across the street from the mall. She commented that the height of the shrubs was too high, especially at the driveway entrances/exits. She stated that the Southgate Homeowners board met with the applicant and the applicant agreed to provide: 2-foot candles of light instead of the required 1-foot, camera surveillance, and call-boxes, and noted that the association would accept more but not less than what they were promised.

Chair Sacks closed the public hearing at 8:06 p.m.

Associate Planner Pearson provided additional clarification for Commissioners regarding landscaping and lighting requirements, and stated that the concerns of the homeowners association had been addressed.

Planning Manager Anderly noted that the City's requirement for lighting is 1-foot candle, and the applicant is providing 2. There is some concern that 2-foot would cause glare.

Commissioner Thnay asked for information regarding the call boxes and if the Police Department had reviewed the plans. He asked that police information be provided if there was concern regarding not having call boxes.

Chair Sacks inquired about the call boxes in the City's municipal lot across the street from City Hall and the rationale for that installation. She commented that security cameras are good but may not be watched 24 hours a day.

Commissioner McKillop moved, seconded by Commissioner Zermefio, and unanimously carried, that the Planning Commission finds that the project is Categorically Exempt from CEQA pursuant to Section 15332 of the Guidelines, *In-Fill Development Project*, and approves the Site Plan Review application subject to the attached findings and conditions of approval. Condition number 6 regarding the call boxes is to be deleted and landscaping requirements regarding shrubbery to be changed to 1 foot at maturity instead of 3 feet.

The motion carried by the following vote:

AYES:	COMMISSIONERS McKillop, Thnay, Peixoto, Zermefio CHAIRPERSON Sacks
NOES:	None
ABSENT:	None (One Vacancy)
ABSTAIN:	Bogue

3. **Planning Director's Referral of Modification of Use Permit No. PL-2003-0373 – Christian Vigilance Church (Owner) - For an Existing Church – The Project is Located at 28767 Ruus Road**

Staff report submitted by Associate Planner Pearson, dated October 7, 2004, was filed.

Associate Planner Pearson presented the staff report. He responded to questions from Commissioners. He noted that the City received numerous complaints in 2002 and 2003 and the matter was presented to the Planning Commission a year ago to add conditions regarding the operation of church including physical improvements to the property. Initially, the complaints subsided, but only for a short time, and none of the improvements have been completed. The parking lot plans which were required by May were submitted yesterday. There are structures in the side yard that need to be removed. The church was to operate with the windows and doors closed, and air conditioning was to be added. Some work has been done, including installation of the double-paned windows. The condition regarding hours of operation has continued to be violated, and the church has continued to leave the doors and windows open. Of the 33 conditions, 18 have been violated. Staff is recommending that the Planning Commission revoke the use permit and that the church stop operation.

Chair Sacks opened the public hearing at 8:29 p.m.

Maria Cornejo spoke on behalf of the church. She stated that they had previously agreed to comply with all of the conditions, but then found it difficult to do. She stated that they did not have enough time and money to do all of the things that were required. She noted that they had submitted the parking lot plans as previously reported, and everything else will be submitted on next week. She said that they have spoken to the members and were trying to keep the children under control.

Commissioner McKillop stated she found it difficult to understand how the church had not minimally complied with the items that did not require time or money. She noted that it was unfair to the neighbors to continue to ask them to wait an additional amount of time for the church to try to operate within the hours given and restrain the children.

Commissioner Peixoto said he was sympathetic with the issues the church had to deal with, but there were other conditions that were not complied with that would not cost anything.



## CITY OF HAYWARD STAFF REPORT

AGENDA DATE 10/21/04

AGENDA ITEM 2

To: Planning Commission

From: Richard Patenaude, Principal Planner

Subject: PL-2004-0489 SPR – Installation of SolarPort at Southland Mall – Tom Young for Swearingen Systems Inc. (Applicant) / Southland Mall LLP (Owner)

The Project Is Located on La Playa Drive opposite Calaroga Avenue in a Central Business (CBB20) District

### RECOMMENDATION:

Staff recommends that the Planning Commission 1) find that the project is Categorically Exempt from CEQA pursuant to Section 15332 of the Guidelines, *In-Fill Development Projects*, and 2) approve the Site Plan Review application subject to the attached findings and conditions of approval.

### DISCUSSION:

The project was continued from the Planning Commission meeting of October 7, 2004, to allow the applicant additional time to investigate the costs associated with the recommended conditions of approval. Staff since met with the applicant to clarify the requirements associated with the conditions.

The project would be located in the southerly parking lot of Southland Mall off La Playa Drive opposite Calaroga Avenue; it would span the distance generally between Olive Garden Italian Restaurant and Firestone Tire & Service Center. The project would consist of a series of parallel carports installed over 43 rows of parking spaces (approximately 863 spaces); the drive aisles would remain uncovered (see Exhibit A). The carports would be 34 feet wide with 10 feet of headroom. The overall height of the carports would be 12 feet. The columns supporting the carports would be located 20 feet apart. The design of the carports would be simple and contemporary, with clean lines, to not clash with the design of the Mall (see Exhibit B). Staff recommends that the columns be painted to complement the cream and beige colors of the Mall buildings with a darker color on the columns and a lighter color on the "roof" structure. The roofs of the carports would be formed by solar module arrays.

A series of solar module arrays would be mounted on the carports at a 14-degree angle. The northerly end of each array would be lifted off the carport structure by 18 inches. Each array, measuring 7.75 feet by 32 feet, would consist of 18 solar modules. The southerly direction and

EXHIBIT G

angle of the arrays would provide for optimum sun capture. The low angle of the arrays would limit the view of the solar modules. Furthermore, each carport "roof" would be surrounded by a 12-inch valance, hiding all but the upper 6 inches of the solar arrays; staff recommends that a three-dimensional relief pattern be incorporated into the valance (see Exhibit C). From most ground locations, the arrays would not be visible. The arrays would not provide a solid cover; there is a 3.25-foot gap between each array that would be open to the sky. This gap is important so that one array does not shield another from the sun. Additionally, a solid roof would require the installation of fire sprinklers.

Demand for electricity keeps growing while the construction of power plants and transmission lines in urban areas becomes more and more challenging. Solar energy installations produce pollution-free electricity during peak summer hours when demand is high, electricity prices are soaring and the grid is strained to the point of browning or blacking out. The project's solar arrays would provide 1 megawatt of power (an equivalent of the need of 500 homes) to Southland Mall, which is 50-60 percent of the Mall's electric need. The project would provide immediate and long-term energy benefits to the Mall and to the community. Power produced by the arrays would be fed into the Mall's electric panels; when there is a surplus, the excess power would be returned to PG&E's power grid for use by the community. The Mall would never be disconnected from the power grid. The applicant plans to provide community education by which the community could learn about solar power by way of data stations inside the mall and tours for the public and school children. These displays could encourage residents to consider solar energy for home application.

The only parking lot trees in this area exist along the Mall's building frontage and along two of the parking rows between Macy's and La Playa Drive; they would not be disturbed by the installation of carports. Staff recommends that landscape end caps be added to the southerly end of each row of parking spaces. These landscape areas would be planted with shrubs to soften the view of the carport ends from the street; trees would not be recommended in this case as they would hamper security monitoring. Staff also recommends that a landscape plan be submitted for the parkway strip along the entire east-west length of La Playa Drive between Hesperian Boulevard and the Nimitz Freeway; such plan should include the requisite number of street trees. Presently, the street trees are not continuous, and the other plantings do not present a consistent design theme.

Carports, while open-sided, could give customers a sense that they are in an enclosed space as compared to an open parking lot. A number of measures would be undertaken to increase a sense of security. Lighting levels on the parking spaces would be increased. Ceiling-mounted fixtures would provide an average of 2 foot-candles whereas typical parking lot lighting is required to provide an average of 1 foot-candle. Mall security currently maintains cameras to monitor the parking lot; new security cameras would be mounted to capture the space under the carport canopies. Staff also recommends the installation of emergency call boxes.

The City Council Commercial Center Improvement Committee reviewed this project on June 28, 2004. While the Committee members expressed support for the concept, they also had concerns regarding overall aesthetics and the need for additional street trees along La Playa Drive. The conditions of approval requiring colors and materials consistent with the Mall buildings, and the addition of landscaping, should address those concerns. The Committee recommended that this project be reviewed by the Planning Commission.

## ENVIRONMENTAL REVIEW:

It has been determined that this project is Categorically Exempt from review under the California Environmental Quality Act, pursuant to Section 15332 of the Guidelines, *In-Fill Development Projects*. In addition, it is estimated that the project would reduce CO<sub>2</sub> emissions by 2.5 million pounds annually.

## PUBLIC NOTICE:

A referral notice was mailed to all property owners and residents within 300 feet of the project site. Notice was also provided to the Southgate Area Homeowners Association, the Longwood Area Neighborhood Association, and to members of the Longwood-Winton and Southgate Neighborhoods Task Forces. On September 27, 2004, a Notice of Public Hearing for the Planning Commission hearing was mailed.

The applicant met with the Southgate Area Homeowners Association on August 4, 2004, to discuss the project. In their letter dated September 20, 2004, a majority of the Board expressed support for the project concept while raising certain concerns including:

- blocking views of the Mall;
- the need for security cameras and emergency call boxes under the carports;
- the need for adequate light under the carports;
- the provision of adequate landscape at the ends of the carports; and
- a desire for a solid roof for additional weather protection.

The conditions of approval require that the colors and materials of the carports be compatible with the Mall buildings, and that adequate cameras, call boxes and lighting be required. Beside the requirement for landscaped end caps, the applicant would be required to improve the landscape strip along La Playa Drive. The project, as proposed, would provide good weather protection for at least half of the parking spaces, and partial protection for most others; this protection is not provided by the open parking lot.

## CONCLUSION:

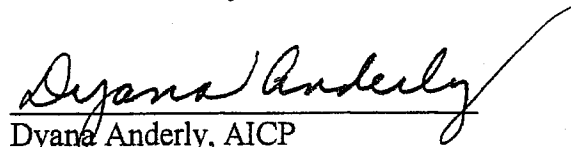
The proposal is consistent with the City's regulations and policies for the Central Business District and would provide a community benefit by the provision of a clean source of energy for one of the City's major facilities. The project would also provide weather protection for customers of Southland Mall.

Prepared by:



Richard E. Patenaude, AICP  
Principal Planner

Recommended by:

A handwritten signature in black ink, appearing to read "Dyane Anderly", is written over a horizontal line.

Dyane Anderly, AICP  
Planning Manager

Attachments:

- A. Site Plan
- B. Renderings
- C. Cross-Sections
- D. Findings of Approval
- E. Conditions for Approval
- F. Letter from Southgate Area HOA Board

September 20, 2004

Richard Patenaude, AICP  
City of Hayward, Planning Division  
777 B Street  
Hayward, California 94541

Re: PL-2004-0489 SPR  
Installation of solarport on carports at Southland Mall

Mr. Patenaude,

At our August 4<sup>th</sup> meeting The Homeowners Association received a presentation from Robert Gold of SolarGen Properties, explaining the proposal to install and operate a photovoltaic system on top of carports to be constructed in the south parking lot at Southland Mall.

Association members expressed concern about carport structure blocking the view of not only the mall but also the view of the parking lot. Members were concerned that the addition of the carports would make the lot less desirable, having a negative effect on the mall. Other concerns are outlined below.

Security:

Members said that they believed additional video surveillance was a must because some of the current cameras would be unable to provide a view underneath the carports. Emergency call buttons were also suggested as many new parking structures are featuring them.

Lighting:

Lighting was very important and that the low height of the structure would mean a larger number of light fixtures would be required to provide a minimum of two candlepower under the entire carport area.

Landscaping:

The landscaping shown in the SolarGen presentation consisted of plantings in containers at the end of the carports. The board believes that in ground planters forming end caps bordered with a concrete curb is appropriate. This design will be in keeping with the city standards and provide a better level of protection from vehicles that may otherwise damage the ends of the carports.

Structure and Design:

The presentation included artist's renderings but no details of the design. There was an interest in making the carport roof solid, providing more protection from rain. However members were unsure how this might change the fire protection requirements.

A majority of the board is in support of the concept of providing for a photovoltaic electrical power generation facility while addressing the concerns outlined in this letter.

Thank you for keeping us informed of projects in the neighborhood, we are always happy to provide suggestions.

The Southgate Area Homeowners Association Board

**EXHIBIT H**



# DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 04-

Introduced by Council Member \_\_\_\_\_

*mal*  
*11/12/04*

**RESOLUTION APPROVING SITE PLAN REVIEW  
APPLICATION NO. PL-2004-0489 OF SWEARINGEN  
SYSTEMS, INC., (APPLICANT) AND SOUTHLAND MALL,  
LLP (OWNER)**

WHEREAS, Swearingen Systems, Inc., (applicant) and Southland Mall, LLP (owner) has, by Application No. PL-2004-0489, applied for a site plan review to install a Solar Port (solar modules on top of new carports) located at the south parking lot of Southland Mall on La Playa Drive opposite Calaroga Avenue; and

WHEREAS, on October 21, 2004, the Planning Commission held a public hearing and found the project categorically exempt from CEQA review and approved the application; and

WHEREAS, the application was called up for review by Councilmember Barbara Halliday in accordance with the provisions of the City's Zoning Ordinance;

WHEREAS, the City Council hereby finds and determines:

1. No significant or potentially significant impacts are expected as a result of the project and the project is considered a Class 32 Categorical Exemption (infill development), pursuant to the California Environmental Quality Act;
2. The development is compatible with the adjacent Southland Mall buildings in that the proposed height, bulk and scale are appropriate and provide a transition from the street and the taller Mall buildings. Also, the design, color and materials will be consistent with those of the Mall buildings;
3. The development and recommended conditions of approval take into consideration physical and environmental constraints, taking advantage of the existing parking and circulation patterns;
4. The development complies with the intent of City development policies and regulations for the Central Business District and the General Plan, providing customer amenities and a clean energy source for Southland Mall and the community; and

5. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that the proposed use is similar to, and compatible with, other development in the area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that based on the foregoing findings, Site Plan Review Application No. PL-2004-0489 is hereby approved subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney for the City of Hayward